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PTO/SB/71 (6-99)

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| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) |         | <b>Application Number</b>     | 10/714,195             |
|   |         | <b>Filing Date</b>            | November 14, 2003      |
|   |         | <b>First Named Inventor</b>   | Joffe B. Baker, et al. |
|   |         | <b>Group/Art Unit</b>         | 1634                   |
|   |         | <b>Examiner Name</b>          | Unassigned             |
| <b>Total Number of Pages in This Submission</b>                                     | 77 pgs. | <b>Attorney Docket Number</b> | 39740-0005A            |

**ENCLOSURES (check all that apply)**

|   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Version with Markings Showing Changes<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):<br>stamped return postcard; PTO Form 1449; copies of 10 cited reference |
| <b>Remarks</b>  |   |  |
| AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.   |   |  |

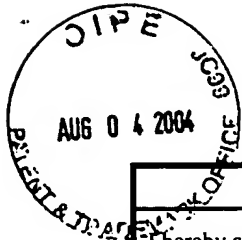
**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

|                                |  |                         |       |
|--------------------------------|--|-------------------------|-------|
| <b>Firm or Individual name</b> | Ginger R. Dreger, Reg. No. 33,055<br>HELLER EHRMAN WHITE & McAULIFFE LLP |                         |       |
| <b>Signature</b>               |  |                         |       |
| <b>Date</b>                    | August 4, 2004   | <b>Customer Number:</b> | 25213 |

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| <b>Typed or printed name</b>  | Sandra Puljic |             |                |
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|              |   |                 |             |
|--------------|---|-----------------|-------------|
| Applicant:   | Baker, et al.                                     | Docket No.:     | 39740-0005A |
| Serial No.:  | 10/714,195  | Group Art Unit: | 1634        |
| Filing Date: | 11/14/2003  | Examiner:       | Unassigned  |
| For:         | GENE EXPRESSION PROFILING OF EGFR POSITIVE CANCER |                 |             |

**INFORMATION DISCLOSURE**  
**STATEMENT UNDER 37 C.F.R. §1.97**

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98. In accordance with the USPTO waiver of 37 CFR 1.98 (a)(2)(i), which appears in the USPTO *Official Gazette* Notices dated August 5, 2003, the applicant is not providing copies of the listed U.S. patents and patent publications.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)

-- OR --

☐ (2) It is being filed within 3 months of entry of a national stage

-- OR --

☒ (3) It is being filed before the mail date of the first Office Action on the merits

-- OR --

☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; or

☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$180.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39740-0005A).

Respectfully submitted,

Dated: August 4, 2004

By: \_\_\_\_\_

Ginger R. Dreger  
Reg. No. 33,055

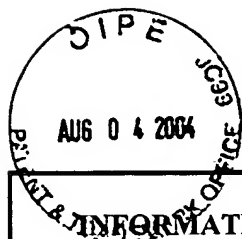
**HELLER EHRMAN WHITE & MCAULIFFE LLP**

**Customer No. 25213**

275 Middlefield Road

Menlo Park, CA 94025-3506

Telephone: (650) 324-7000/Facsimile: (650) 324-0638



|   |  |            |   |       |                                  |                          |                          |
|---|--|------------|---|-------|----------------------------------|--------------------------|--------------------------|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT</b><br><br><b>PTO-1449</b>            |  |            | <b>ATTY. DOCKET NO.:</b><br>39740-0005A |       | <b>SERIAL NO.:</b><br>10/714,195 |                          |                          |
|   |  |            | <b>APPLICANT :</b> Baker, et al.        |       |                                  |                          |                          |
|   |  |            | <b>FILING DATE:</b> November 14, 2003   |       | <b>GROUP:</b> 1634               |                          |                          |
| <b>U.S. PATENT DOCUMENTS</b>  |  |            |   |       |                                  |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.   | DATE       | NAME                                    | CLASS | SUBCLASS                         | FILING DATE              |                          |
|   | 5,474,796  | 12/12/1995 | Thomas M. Brennan                       | 427   | 2.13                             |                          |                          |
|   |  |            |   |       |                                  |                          |                          |
|   |  |            |   |       |                                  |                          |                          |
|   |  |            |   |       |                                  |                          |                          |
| <b>FOREIGN PATENT DOCUMENTS</b>   |  |            |   |       |                                  |                          |                          |
| EXAMINER'S<br>INITIALS  | PATENT NO.   | DATE       | COUNTRY                                 | CLASS | SUBCLASS                         | TRANSLATION              |                          |
|   |  |            |   |       |                                  | YES                      | NO                       |
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|   |  |            |   |       |                                  | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b> |  |            |   |       |                                  |                          |                          |
|   | Bhattacharjae, Arindam, et al., Proc. Natl. Acad. Sci. USA, Vol. 98, No. 24, 2001, pages 13790-13795   |            |   |       |                                  |                          |                          |
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|   | Zhao, Renbin, et al., Analysis of p53-Regulated Gene Expression Patterns Using Oligonucleotide Arrays, Genes & Development, 2000, Vol. 14, pages 981-993                           |            |   |       |                                  |                          |                          |
| EXAMINER  |  |            | DATE CONSIDERED                         |       |                                  |                          |                          |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.